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Matthew D Walker

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NIXON & VANDERHYE, PC
901 NORTH GLEBE ROAD, 11TH FLOOR
ARLINGTON, VA 22203

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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 10/493,267
Filing Date: April 21, 2004
Appellant(s): BRULS ET AL.

Larry S. Nixon – Reg. No.: 25,640
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed August 22, 2008 appealing from the Office action mailed April 22, 2008.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or having a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is substantially correct. The changes are as follows:

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

2003/0048847	Yavits et al	03-2003
5,802,211	King	09-1998

(9) Grounds of Rejection Applicable to the Appealed Claims

The following ground(s) of rejection are applicable to the appealed claims:

Note: As a result of the amendment as indicated above in item 4, the rejections are maintained to address the amendment by the appellant.

A. Claims Rejections – 35 USC § 102

Claims 1 and 4-9 rejected under 35 U.S.C. 102(e) as being anticipated by Yavits et al (US 2003/0048847).

As per **claim 1**, Yavits et al disclose a method of encoding video data (Fig 6), the method comprising:

capturing a plurality of still images (Fig 15, progressive video; paragraph [0171])
generating a first set of data by encoding a first image of the video data ([0079])
and [0082]); generating one or more further sets of data by predicatively encoding (Fig 6, 106) the first image, wherein the predictive encoding (Fig 6, 106) is performed with

respect to a decoded version of the first image associated with a previously generated set of data ([0080]);

in response to a user request (Fig 6, 126) which selects a further image from said video data (paragraph [0073]; the prior art, Yavits, teaches the capability to gain access to compressed data to provide a device with uncompressed digitized video and audio), generating a first set of data representing the further image by predicatively encoding (Fig 6, 106) the further image, wherein the predictive encoding (Fig 6, 106) is performed with respect to a decoded version of the first image associated with a previously generated set of data ([0080]); and

generating one or more further sets of data representing the further image by predicatively encoding (Fig 6, 106) the further image, wherein the predictive encoding (Fig 6, 106) is performed with respect to a decoded version of the further image associated with a previously generated set of data ([0079], [0080], and [0082]).

As per **claim 4**, Yavits et al disclose a method according to claim 1 wherein said still images (Fig 15, progressive video) are stored in a buffer (Fig 6, 122) for presentation for encoding on request of a user (Fig 6, 126; [0073]).

As per **claim 5**, Yavits et al disclose a method according to claim 1 wherein the request (Fig 6, 126) for the further image represents a pre-determined time in the video data before or after the first image ([0073]).

Regarding **claim 6**, arguments analogous to those presented for claim 1 are applicable for claim 6.

As per **claim 7**, Yavits et al disclose a video surveillance system (Fig 6; [0068]) comprising:

- a video capture device for capturing a plurality of images (Fig 10, 350; paragraph [0113]);

- a video encoding apparatus according to claim 6 for encoding video signals received from the video capture device (arguments analogous to those presented for claim 1);

- a user terminal (Fig 6, 126) including a video decoding device (Fig 9, 310) for decoding video signals ([0109]) received from the video encoding device (Fig 6) and a user interface (Fig 6, 126) for a user to input commands to be sent to the video encoding device ([0073]).

As per **claim 8**, Yavits et al disclose a video surveillance system (Fig 6; [0068]) according to claim 7 further including a buffer (Fig 6, 122) for storing said plurality of images for presentation for encoding on request of a user (Fig 6, 126; [0073]).

As per **claim 9**, Yavits et al disclose a method of decoding video data (Fig 9, 310), data representing plural still images (Fig 15, progressive video), said method comprising:

- receiving a first set of data representing a first one of said plural still images (Fig 15, progressive; paragraph [0108] and [0109]);

- decoding (Fig 9, 310) the first set of data to generate a decoded version of a first image ([0079], [0082], and [0109]);

decoding (Fig 9, 310) further received sets of data representing the first image with reference to a previously decoded version of the first still image (Fig 15, progressive video; paragraph [0080] and [0109]);

sending to a transmitting encoder a user request (Fig 6, 126) which selects a further image from the video data ([0073]);

decoding (Fig 9, 310) a received set of data representing the requested further image with reference to a previously decoded version of the first image so as to generate a decoded version of the further still image (paragraph [0080] and [0109]); and

decoding (Fig 9, 310) further received sets of data representing the further image with reference to a previously decoded version of the further image ([0080] and [0109]).

Regarding **claim 10**, arguments analogous to those presented for claim 1 are applicable for claim 10.

Regarding **claim 12**, arguments analogous to those presented for claim 6 are applicable for claim 12.

Regarding **claim 14**, arguments analogous to those presented for claim 7 are applicable for claim 14.

B. Claims Rejections – 35 USC § 103

Claims 2 and 3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yavits et al (US 2003/0048847) in view of King (US 5,802,211).

As per **claim 2**, Yavits et al disclose a method according to claim 1, wherein the first set of data representing the further image is generated by predictive encoding (Fig 6, 106) with respect to the decoded version of the first image ([0080]).

However, Yavits et al does not explicitly teach associated with the immediately preceding generated set of data representing the first image.

In the same field of endeavor, King teaches associated with the immediately preceding generated set of data representing the first image (Col 1 Ln 56 – 67).

Therefore, it would have been obvious for one having ordinary skill in the art at the time of the invention to modify Yavits et al with the invention of King. The modification is advantageous because it reduces the transmission required.

As per **claim 3**, Yavits et al disclose a method according to claim 1 wherein each further set of data representing an image is generated by predicatively encoding (Fig 6, 106) that image with respect to a decoded version of an image ([0080]).

However, Yavits et al does not explicitly teach associated with the immediately preceding generated set of data.

In the same field of endeavor, King teaches associated with the immediately preceding generated set of data (Col 1 Ln 56 – 67).

Therefore, it would have been obvious for one having ordinary skill in the art at the time of the invention to modify Yavits et al with the invention of King. The modification is advantageous because it reduces the transmission required.

(10) Response to Argument

The Examiner's response to the arguments of the brief concerning the art rejection of claims 1, 4-10, 12 and 14 are as follows:

A1. Argument of Claim 1 and 6 (see section VII of brief)

Appellant argues on pg. 14 paragraph 3, and pg 16. paragraph 4 and pg. 17 paragraph 1 - Yavits does not disclose anything about capturing still pictures and also a user request to cause selection of a different frame for input to cause selection of a different frame for input to the encoder/decoder, which also is not disclosed by Yavits.

A2. Response to argument of A1

The Examiner respectfully disagrees with appellant's argument. Regarding capturing the still images, Yavits clearly shows that it captures a sequence similar to IPPP, which in the art these frames individually are considered to be still images in particular the I-frame. Yavits also discloses having a user interface (Fig 6, 126) which allows a user to access the image information provided in the system. Yavits also disclosing applying the system to a Motion JPEG standard, which you would use when dealing with still images (paragraph [0073] and [0173]).

B1. Argument of claims 6-7 and 9 (see section VII of brief)

Appellant argues on pg 16. paragraph 4 and pg. 17 paragraph 2 – Yavits does not teach the features described in claims 6-7 and 9. The features being a

predictive encoding system that is directed to a video surveillance system that provides a complementary method for decoding the image data.

B2. Response to argument of B1

The examiner respectfully disagrees. Yavits describes an encoder/decoder system that can be used for surveillance, which captures a plurality of still images through the use of a user terminal (paragraph [0068], [0073], and [0109]).

C1. Argument of claims 4-5 and 8 (see section VII of brief)

Appellant argues on pg 17. paragraph 4 and pg. 18 paragraph 1 – Yavits does not teach the features described in claims 6-7 and 9. The features being still images being stored in a buffer for presentation for encoding at the request of a user. A user request representing a predetermined-time in the video data before or after the first image.

C2. Response to argument of C1

The examiner respectfully disagrees. Yavits describes the system having a buffer (Fig 6, 122) storing video image data that would be input to the system. The user selects an image data that would be before or after the current image that is currently being processed (paragraph [0073] and [0078]-[0080]).

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

(12) Conclusion

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

/Chikaodili E Anyikire/

Patent Examiner AU 2621

21 January 2009

Conferees:

/Marsha D. Banks-Harold/

Supervisory Patent Examiner, Art Unit 2621

/Andy S. Rao/ for Mehrdad Dastouri

Primary Examiner, Art Unit 2621

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